

Notice of Allowability

Application No.

09/493,530

Examiner

Sandra M. Nolan

Applicant(s)

PONTBRIAND ET AL.

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Appeal Brief filed on 25 June 2004.
2. ☒ The allowed claim(s) is/are 21-38.
3. ☒ The drawings filed on 16 December 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 08 Sept. 2004.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.



SANDRA M. NOLAN
PRIMARY EXAMINER

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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Ms. Karin Butchko (248/988-8360) on 08 September 2004.
3. The application has been amended as follows:

In the Claims

Claims 26, 27 and 28, line 1 of each, "1" has been changed to -- 21 --.

Claim 29, line 5, after "tubing", the phrase -- so that -- has been inserted.

Remarks

The dependency of claims 26-28 has been corrected. Claim 29 has been made grammatically correct.

* * *

REASONS FOR ALLOWANCE

4. The following is an examiner's statement of reasons for allowance:
5. Base claims 21, 29, 31 and 37 can be summarized as follows:

Claim 21 covers a method of coating metal tubing comprising the steps:

- 1) applying an intermediate layer to the metal tubing,
 - 2) applying an epoxy paint/plastic particle composition to the intermediate layer,
- and
- 3) curing the composition.

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Claim 29 covers a method of coating metal tubing comprising the steps:

- 1) applying an intermediate layer to the metal tubing,
 - 2) applying an epoxy paint/plastic particle composition to the intermediate layer,
- and
- 3) curing the composition so that the plastic particles form a crust.

Claim 31 covers a tube comprising:

- a metal tubing,
- an intermediate layer between the tubing and the outer coating, and
- an outer epoxy coating containing plastic particles.

Claim 37 covers a tube comprising:

- a metal tubing,
- an intermediate layer between the tubing and the outer coating,
- an outer epoxy coating containing plastic particles, and
- an outer crust formed by the plastic particles in the outer coating.

6. The applicable prior art fails to teach or suggest tubes or processes that have all of the features recited in the base claims.

7. The arguments advanced on pages 3-6 of the appeal brief dated 25 June 2004 are convincing. The 35 USC 103 rejection over Hsich (US 5,972,450) in view of JP-06329958A and the Crea Nova publication has been overcome thereby.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

Any inquiry concerning this communication should be addressed to Sandra M. Nolan, at telephone number 571/272-1495. She can normally be reached Monday through Thursday, from 6:30 am to 4:00 pm, Eastern Time.

If attempts to reach the examiner are unsuccessful, her supervisor, Harold Pyon, can be reached at 571/272-1498.

The fax number for patent application documents is 703/872-9306.



S. M. Nolan
Primary Examiner
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**SANDRA M. NOLAN
PRIMARY EXAMINER**